

PTO/SB/21 (08-03)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	08/573,569
		Filing Date	December 14, 1995
		First Named Inventor	Hunein F. MAASAB
		Art Unit	1648
		Examiner Name	Parkin, Jeffrey S.
Total Number of Pages in This Submission	16	Attorney Docket Number	UM 2002.01

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Notice of Abandonment, Copy of Response to Office Action as filed on July 14, 2004 and Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Bingham McCutchen LLP Antoinette F. Kanski
Signature	<i>Antoinette F. Kanski</i>
Date	Oct. 13, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being sent Express Mail Label No.: EV 313 811 249 US addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Peggy Nichols	Date	October 13, 2004
Signature	<i>Peggy Nichols</i>		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No. UM 2002.01

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Signature: Peggy Nichols Name: Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Hunein F. MAASAB, et al.	Examiner:	Parkin, Jeffrey S.
Filing Date:	December 14, 1995	Art Unit:	1648
Serial No.:	08/573,569	Confirmation No.	5671
Title:	COLD-ADAPTED INFLUENZA VIRUS		

PETITION REQUESTING WITHDRAWAL OF HOLDING OF ABANDONMENT
PURSUANT TO 37 C.F.R. § 1.8(b)

Commissioner for Patents
Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

On September 21, 2004, a Notice of Abandonment was issued by the U.S. Patent and Trademark Office in connection with the above-identified application. The ground for abandonment was Applicants' alleged failure to timely respond to the Office Action issued on January 14, 2004. Enclosed is a copy of this Notice.

The Notice was issued in error and therefore, Applicants respectfully request withdrawal of the holding of abandonment and request that the application be returned to active status. On July 14, 2004 a response to the Office Action along with a Petition for a Three Month Extension of time was filed via U.S. mail. Further to 37 C.F.R. § 1.8(b)(2), enclosed is a complete copy of the response as filed and a copy of the U.S. Patent Office stamped postcard confirming receipt by the U.S. Patent Office mailroom of the reply on July 19, 2004. A personal statement pursuant to 37 C.F.R. § 1.8(b)(3) is not enclosed since the U.S. Patent Office mailroom stamp establishes receipt of these documents by the U.S. Patent Office.

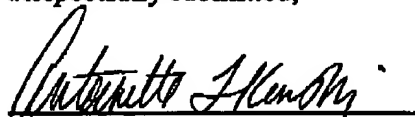
No fee is considered necessary in connection with the filing of this Communication. However, Applicants' undersigned attorney authorizes the Commissioner to charge other fees which may be considered necessary by the Commissioner in connection with the filing of these documents to Deposit Account No. 50-2518, referencing billing number 7009813001.

If a telephone interview would advance examination of the application, the Office is invited to telephone the undersigned attorney at the number provided below.

Respectfully submitted,

Date:

Oct 13, 2004



Antoinette F. Konski
Reg. No. 34,202

Bingham McCutchen LLP
Formerly McCutchen, Doyle, Brown & Enersen, LLP
Three Embarcadero Center, Suite 1800
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Telefax: (650) 849-4800

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	08/573,369	
	Filing Date	December 14, 1995	
	First Named Inventor	Hunein F. Maassab	
	Art Unit	1648	
	Examiner Name	J. Parkin	
Total Number of Pages In This Submission	10	Attorney Docket Number	UM 2002.01

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interference <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Bingham McCutchen LLP Antoinette F. Konold
Signature	<i>Antoinette Konold</i>
Date	July 14, 2004

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Peggy Nichols		
Signature	<i>Peggy Nichols</i>	Date	July 14, 2004

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FEE TRANSFITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

583

Complete if Known

Application Number 08/574,444
 Filing Date December 14, 1995
 First Named Inventor Hussein F. Maassab
 Examiner Name J. Parkin
 Art Unit 1648
 Attorney Docket No. UM 2002.01

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
 Order
☒ Deposit AccountDeposit
Account
Number

50-2518

Deposit
Account
Name

Bingham McCutchen LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	
SUBTOTAL (1)					(5) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	25	-20**	=	5	X	16	=	108
Independent Claims	2	-3**	=	0	X		=	0
Multiple Dependent					X		=	0
Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description		
1202	16		2202	9		Claims in excess of 20		
1201	88		2201	43		Independent claims in excess of 3		
1203	290		2203	145		Multiple dependent claim, if not paid		
1204	88		2204	43		** Reissue independent claims over original patent		
1205	16		2205	9		** Reissue claims in excess of 20 and over original patent		
SUBTOTAL (2)							(5) 108	

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reconsideration	
1804	920*	1804	920*	Requesting publication of SIF prior to Examiner action	
1803	1,840*	1803	1,840*	Requesting publication of SIF after Examiner action	
1251	110	2251	85	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	475
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	230	2403	115	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	840	2503	420	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (c)	
1806	180	1806	180	Submission of Information Disclosure Sheet	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.128(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.128(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	800	1802	800	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(5) 475

SUBMITTED BY

Complete if applicable

Name (Print/Type) Anthony A. McDonald Registration No. 84, 202 Telephone (800) 849-4950
 Signature [Signature] Date July 17, 2004

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Express Mail No.
Date Delivered

EV 313 811 249 US
October 13, 2004

Due Date:
Docket No./
Billing No.:

July 14, 2004
UM 2002.01
2023980-7009813001
afk/pn

Applicant(s): Hunein F. Maasab, et al.
Title: Cold-Adapted Influenza Virus
Serial No.: 08/573,569

Filing Date:

December 14, 1995

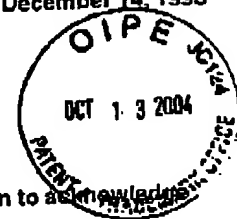
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P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

Please place the U.S. Patent and Trademark Office date stamp hereon to acknowledge receipt of the following:

1. Transmittal Form (1 pg);
2. Petition to Withdraw Holding of Abandonment No Fee Required Pursuant to CFR § 1.181 (2 pgs);
3. Complete Copy of Amendment and Response to Office Action dated July 14, 2004 (11 pgs);
4. Copy of Notice of Abandonment (2 pgs) and
5. Return Postcard



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